

AMENDED IN SENATE APRIL 10, 2008

AMENDED IN SENATE MARCH 27, 2008

SENATE BILL

No. 1369

Introduced by Senator Cedillo

February 21, 2008

An act to amend Section 49557.2 of the Education Code, relating to pupil nutrition.

LEGISLATIVE COUNSEL'S DIGEST

SB 1369, as amended, Cedillo. Pupil nutrition: free and reduced price meals: application.

Existing law requires the governing board of a school district and the county superintendent of schools to make applications for free or reduced price meals available to pupils at all times during each regular schoolday. A school district and county superintendent of schools may incorporate information about the Medi-Cal and Healthy Families programs in the application. Parents may consent to allow the school district or county superintendent of schools to share information from the school lunch program application with the county agency administering the Medi-Cal program for use in making an accelerated Medi-Cal eligibility determination.

This bill would prohibit a school district from sharing the information on the school lunch program application if the school district possesses data that indicates that the child already has an active Medi-Cal or Healthy Families case. ~~The bill would require the parent or guardian to be given the opportunity to refute this finding and, if~~ *The school would be required to notify the parent or guardian of the finding of the district that the child already has Medi-Cal and further, to notify him or her that if the child has not received a Medi-Cal Beneficiary Identification*

Card or does not know how to use their Medi-Cal services, he or she should call the county for assistance. If it is verified that the child does not have an active Medi-Cal or Healthy Families case, the school district would have the option of not processing the application for an accelerated Medi-Cal determination and forwarding it to the entity designated by the State Department of Health Care Services to make an accelerated determination and to the local agency that determines eligibility under the Medi-Cal program. The request for the consent of the parent or guardian to share the information on the school lunch program application would be required to include a notification that if the school district determines the child already has an active Medi-Cal or Healthy Families case, the information on the application will not be shared and the applicant will ~~have an opportunity to refute the determination of the school district~~ be told that they already have Medi-Cal or Healthy Families and what to do if they do not have a Medi-Cal or Healthy Families card or do not know how to get care.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 49557.2 of the Education Code is
- 2 amended to read:
- 3 49557.2. (a) (1) At the option of the school district or county
- 4 superintendent of schools, and to the extent necessary to implement
- 5 Section 14005.41 of the Welfare and Institutions Code, the
- 6 following information may be incorporated into the School Lunch
- 7 Program application packet or notification of eligibility for the
- 8 School Lunch Program using simple and culturally appropriate
- 9 language:
- 10 (A) A notification that if a child qualifies for free school lunches,
- 11 then the child may qualify for free or reduced-cost health coverage.
- 12 (B) A request for the consent of the applicant for the child to
- 13 participate in the Medi-Cal program, if eligible for free school
- 14 lunches, and to have the information on the school lunch
- 15 application shared with the entity designated by the State
- 16 Department of Health Care Services to make an accelerated
- 17 determination and the local agency that determines eligibility under
- 18 the Medi-Cal program and notification that if the school district
- 19 possesses data that indicates that the child already has an active

1 Medi-Cal or Healthy Families case, the information on the school
2 lunch application will not be shared and the applicant ~~will have~~
3 ~~an opportunity to refute the determination of the school district.~~
4 *will be told that they already have Medi-Cal or Healthy Families.*
5 *The notice will tell the family what to do if they do not have a*
6 *Medi-Cal or Healthy Families card or do not know how to get*
7 *care.*

8 (C) A notification that the school district will not forward the
9 school lunch application to the entity designated by the State
10 Department of Health Care Services to make an accelerated
11 determination and the local agency that determines eligibility under
12 the Medi-Cal program, without the consent of the parent or
13 guardian of the child.

14 (D) A notification that the school lunch application is
15 confidential and, with the exception of forwarding the information
16 for use in health program enrollment upon the consent of the parent
17 or guardian of the child, the school district will not share the
18 information with another governmental agency, including the
19 federal Department of Homeland Security and the Social Security
20 Administration.

21 (E) A notification that the school lunch application information
22 will be used only by the entity designated by the State Department
23 of Health Care Services to make an accelerated determination and
24 the state and local agencies that administer the Medi-Cal program
25 for purposes directly related to the administration of the program
26 and will not be shared with other government agencies, including
27 the Department of Homeland Security and the Social Security
28 Administration for any purpose other than the administration of
29 the Medi-Cal program.

30 (F) Information regarding the Medi-Cal program, including
31 available services, program requirements, rights and
32 responsibilities, and privacy and confidentiality requirements.

33 (2) The State Department of Education, in consultation with
34 school districts, county superintendents of schools, consumer
35 advocates, counties, the State Department of Health Care Services,
36 and other stakeholders, shall make recommendations regarding
37 the School Lunch Program application, on or before February 1,
38 2003. The recommendations shall include specific changes to the
39 School Lunch Program application materials as necessary to
40 implement Section 14005.41 of the Welfare and Institutions Code,

1 information for staff as to how to implement the changes, and a
2 description of the process by which information on the School
3 Lunch Program application will be shared with the county, as the
4 local agency that determines eligibility under the Medi-Cal
5 program.

6 (3) At the option of the school, the request for consent in
7 subparagraph (B) of paragraph (1) may be modified so that the
8 parent or guardian also can consent to allowing Medi-Cal to inform
9 the school as provided in subdivision (n) of Section 14005.41 of
10 the Welfare and Institutions Code when followup is needed in
11 order to complete the Medi-Cal application process.

12 (b) (1) School districts and county superintendents of schools
13 may implement a process to share information provided on the
14 School Lunch Program application with the entity designated by
15 the State Department of Health Care Services to make an
16 accelerated determination and with the local agency that determines
17 eligibility under the Medi-Cal program, and shall share this
18 information with those entities, if the applicant consents to that
19 sharing of information. Schools may designate, only as necessary
20 to implement this section, nonfood service staff to assist in the
21 administration of free, reduced price, or paid school lunch
22 applications that have applicant consent, but only if that designation
23 does not displace or have an adverse effect on food service staff.
24 This information may be shared electronically, physically, or
25 through whatever method is determined appropriate.

26 (2) When a school district possesses data that indicates that a
27 child for whom a National School Lunch Program application has
28 been submitted, and for whom the parent or guardian has consented
29 to share the information provided on the application, already has
30 an active Medi-Cal or Healthy Families case, the school district
31 shall have the option of not processing the application for an
32 accelerated determination and forwarding it to the entity designated
33 by the State Department of Health Care Services to make an
34 accelerated determination or the local agency that determines
35 eligibility under the Medi-Cal program pursuant to Section
36 14005.41 of the Welfare and Institutions Code. The school ~~shall~~
37 ~~notify the parent or guardian of the ineligibility of the child for an~~
38 ~~accelerated Medi-Cal determination and that the application of the~~
39 ~~child will not be forwarded to the county pursuant to this section.~~
40 The parent or guardian shall be given the opportunity to refute this

1 ~~finding and if it is verified that the child does not have~~ shall notify
2 the parent or guardian that the district received notice of their
3 interest in applying for Medi-Cal and that the district has found
4 that the child already has Medi-Cal. The notice shall further state
5 that if the child has not received a Medi-Cal Beneficiary
6 Identification Card or they do not know how to use their Medi-Cal
7 services, the parent or guardian should call the county for
8 assistance. If it is verified that the child does not have an active
9 Medi-Cal or Healthy Families case, the application of the child
10 shall be processed for an accelerated Medi-Cal determination and
11 forwarded to the entity designated by the State Department of
12 Health Care Services to make an accelerated determination and
13 the local agency that determines eligibility under the Medi-Cal
14 program.

15 (3) Each school district or county superintendent that chooses
16 to share information pursuant to this subdivision shall enter into
17 a memorandum of understanding with the local agency that
18 determines eligibility under the Medi-Cal program, that sets forth
19 the roles and responsibilities of each agency and the process to be
20 used in sharing the information.

21 (4) The local agency that determines eligibility under the
22 Medi-Cal program shall only use information provided by
23 applicants on the school lunch application for purposes directly
24 related to the administration of the Medi-Cal program.

25 (5) After school districts share information regarding the school
26 lunch application with the entity designated by the State
27 Department of Health Care Services to make an accelerated
28 determination and the local agency that determines eligibility under
29 the Medi-Cal program, for the purpose of determining Medi-Cal
30 program eligibility, the local agency and the school district shall
31 not share information about school lunch participation or the
32 Medi-Cal program eligibility information with each other except
33 as specifically authorized under subdivision (n) of Section
34 14005.41 of the Welfare and Institutions Code and other provisions
35 of law.

36 (c) The notifications and consent referenced in subdivision (a)
37 and the procedures set out in subdivision (b) shall include the
38 Healthy Families Program and the relevant county- and
39 local-sponsored health insurance programs as necessary to
40 implement Section 14005.41 of the Welfare and Institutions Code.

1 (d) If a school district finds that the child is eligible for reduced
2 price or paid meals under the National School Lunch Program and
3 consent was provided as described in subdivision (b), the entity
4 designated by the State Department of Health Care Services to
5 make an accelerated determination shall notify the parent or
6 guardian of the ineligibility of the child for an accelerated Medi-Cal
7 determination pursuant to Section 14005.41 of the Welfare and
8 Institutions Code. The notification shall include information on
9 other available health programs for which the child may be eligible.

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